

OUR FILE NO.: 090.155440

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005 (RWS)

Plaintiff,

- against -

THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220, Individually and in
his Official Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
Tax Id. 912370, Individually and in his Official Capacity,
DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id.
895117, Individually and in his Official Capacity,
CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840,
Individually and in his Official Capacity, LIEUTENANT
JOSEPH GOFF, Tax Id. 894025, Individually and in his
Official Capacity, STG. FREDERICK SAWYER, Shield
No. 2576, Individually and in his Official Capacity,
SERGEANT KURT DUNCAN, Shield No. 2483,
Individually and in his Official Capacity, LIEUTENANT
CHRISTOPHER BROSCART, Tax Id. 915354,
Individually and in his Official Capacity, LIEUTENANT
TIMOTHY CAUGHEY, Tax Id. 885374, Individually and
in his Official Capacity, SERGEANT SHANTEL JAMES,
Shield No. 3004, and P.O.'s "JOHN DOE" #1-50,
Individually and in their Official Capacity (the name John
Doe being fictitious, as the true names are presently
unknown) (collectively referred to as "NYPD defendants"),
JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK
ISAKOV, Individually and in his Official Capacity, DR.
LILIAN ALDANA-BERNIER, Individually and in her
Official Capacity and JAMAICA HOSPITAL MEDICAL
CENTER EMPLOYEE'S "JOHN DOE" # 1-50,
Individually and in their Official Capacity (the name John
Doe being fictitious, as the true names are presently
unknown),

Defendants.

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* BY DEFENDANT
DR. LILIAN ALDANA-BERNIER TO PRECLUDE TESTIMONY ON THE**

**PURPORTED DECLARATORY JUDGMENT CLAIM AS THE DECLARATORY
JUDGMENT ACTION DOES NOT CONFER FEDERAL JURISDICTION UNLESS IT
ALREADY EXISTS**

This Memorandum of Law is respectfully submitted on behalf of defendant Dr. Lilian Aldana-Bernier in support of her motion *in limine* to preclude testimony on the purported declaratory judgment claim as the declaratory judgment action does not confer federal jurisdiction unless it already exists. Dr. Aldana-Bernier seeks the same relief as to plaintiff's purported declaratory judgment claim as Dr. Isakov seeks in his motion dated September 21, 2015 as to plaintiff's purported declaratory judgment action for the same reasons articulated therein. Therefore, for the sake of brevity and to conserve judicial resources, Dr. Aldana-Bernier incorporates and adopts all factual and legal arguments, including exhibits, set forth by Dr. Isakov in Brian Lee's Memorandum of Law dated September 21, 2015.

WHEREFORE, it is respectfully requested that the instant Motion be granted in its entirety.

Dated: New York, New York
September 21, 2015

/s/ Matthew J. Koster
Matthew J. Koster
Attorneys for Defendant
DR. LILIAN ALDANA-BERNIER
One Whitehall Street, 10th Floor
New York, New York 10004
(212) 248-8800